

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

IN RE MENTOR CORP. OBTAPE	*	MDL Docket No. 2004
		4:08-MD-2004 (CDL)
TRANSOBTURATOR SLING PRODUCTS	*	
		Case Nos.
LIABILITY LITIGATION	*	4:12-cv-176 (Taylor)
		4:13-cv-42 (Sanborn)
	*	4:14-cv-117 (Mack)

O R D E R

In an effort to try these cases efficiently and minimize wasting the jury's time with in-court objections, the Court directed the parties to designate the portions of depositions that they intend to submit during the trial. The Court required the parties to make objections to those designations prior to trial so that the Court could rule on those objections in advance of trial. This exercise has confirmed the wisdom of the Court's general opposition to "trial by deposition." Attorneys inevitably designate more testimony than they would elicit from the witness live at trial. And objections are typically more frequent and less targeted than they would be at trial. Nevertheless, the Court has conducted an extensive review of the parties' deposition designations and the objections to those designations. Based on this review, the Court makes the following rulings. Rulings marked with an asterisk (*) indicate that the Court found the evidence to be admissible in part due

to the Plaintiff's continuing duty to warn claim, which remains pending for Taylor and Mack.

During the Court's review, the Court noticed that some designated testimony and related exhibits discuss the FDA 510(k) process. Evidence of the 510(k) process has been excluded. *In re Mentor Corp. Obtape Transobturators Sling Products Liab. Litig.*, No. 2004, 2015 WL 7863032, at *5-*6 (M.D. Ga. Dec. 3, 2015). If the parties objected to testimony or exhibits that contained 510(k) references, then the Court sustained the objection. The Court did not, however, *sua sponte* review unobjected to testimony or exhibits. The parties are reminded that any references to the 510(k) process—in deposition testimony or in an exhibit—should be redacted before trial.

I. Mentor's Objections to Plaintiffs' Deposition Designations

A. Kathleen Beauchamp - Mar. 12, 2010

Beauchamp Page/Line	Taylor	Sanborn	Mack
32:16-32:25	Sustained	Sustained	Sustained
59:16-59:25	Overruled	Overruled	Overruled
60:5-61:8	Overruled	Overruled	Overruled
61:21-62:9	Overruled	Overruled	Overruled
65:17-67:3	Overruled*	Overruled	Overruled
68:12-68:14	Overruled*	Overruled	Overruled
69:4-69:8	Overruled*	Overruled	Overruled
69:19-70:3	Overruled*	Overruled	Overruled
70:24-72:14	Overruled*	Overruled	Overruled
72:15-72:24	Overruled	Overruled	Overruled
75:5-75:16	Overruled*	Overruled	Overruled
77:18-78:1	Overruled*	Overruled	Overruled
78:12-80:16	Overruled*	Overruled	Overruled
81:7-81:15	Overruled*	Overruled	Overruled
82:4-82:11	Overruled*	Overruled	Overruled

Beauchamp Page/Line	Taylor	Sanborn	Mack
85:20-85:22	Overruled*	Overruled	Overruled
86:5-86:23	Overruled*	Overruled	Overruled
87:18-88:3	Sustained	Sustained	Sustained
88:21-90:16, Exhibit 6	Overruled*	Sustained as to 88:21-89:22 and Ex. 6	Overruled*
95:11-96:17	Overruled	Overruled	Overruled
98:16-98:20	Overruled	Overruled	Overruled
100:1-101:1	Overruled	Overruled	Overruled
Exhibit 9	Sustained to extent that healthcare provider info should be redacted.	Sustained to extent that healthcare provider info should be redacted.	Sustained to extent that healthcare provider info should be redacted.
113:7-113:25	Overruled	Overruled	Overruled
114:16-115:4	Overruled	Overruled	Overruled
119:10-119:21	Overruled	Overruled	Overruled
Exhibit 11	Sustained to extent that SABRE reference should be redacted.	Sustained to extent that SABRE reference should be redacted.	Sustained to extent that SABRE reference should be redacted.
121:21-122:11	Overruled	Overruled	Overruled
122:19-123:12	Overruled	Overruled	Overruled
124:3-124:25	Sustained re 124:15 "and number 3" to 124:16	Sustained re 124:15 "and number 3" to 124:16	Sustained re 124:15 "and number 3" to 124:16
127:7-130:19	Overruled*	Overruled	Overruled
131:15-131:25	Overruled*	Overruled	Overruled
133:6-134:16	Overruled*	Overruled	Overruled
136:6-136:17	Overruled*	N/A	N/A
137:10-137:25	Overruled*	Overruled	Overruled
138:8-139:6	Overruled*	Overruled	Overruled
139:19-140:16	Overruled*	Overruled	Overruled
141:16-141:25	Overruled*	Overruled	Overruled
142:6-145:22	Overruled*	Overruled	Overruled
146:2-146:7	Overruled*	Overruled	Overruled
146:12-146:25	Overruled*	Overruled	Overruled
147:18-147:21	Overruled*	Overruled	Overruled
148:4-148:14	Overruled*	Overruled	Overruled
148:17-149:1	Overruled*	Overruled	Overruled
149:2-151:8	Overruled*	Overruled	Overruled

Beauchamp Page/Line	Taylor	Sanborn	Mack
156:17-156:20	Overruled*	Overruled	Overruled
158:8-158:24	Overruled*	Overruled	Overruled
166:8-166:16	Overruled*	Overruled	Overruled
167:9-169:2	Overruled*	Overruled	Overruled
Exhibit 19	Sustained to extent that healthcare provider info should be redacted.	Sustained to extent that healthcare provider info should be redacted.	Sustained to extent that healthcare provider info should be redacted.
171:4-173:17	Overruled*	Overruled	Overruled
174:21-175:20	Overruled*	Overruled	Overruled
178:23-179:22	Sustained as to 179:16-22	Sustained as to 179:16-22	Sustained as to 179:16-22
Exhibit 20	Sustained to extent that portions re business other than ObTape should be redacted	Sustained to extent that portions re business other than ObTape should be redacted	Sustained to extent that portions re business other than ObTape should be redacted
181:7-181:15	Overruled*	Overruled	Overruled
181:21-182:25	Overruled*	Overruled	Overruled
183:25-184:9	Overruled*	Overruled	Overruled
186:14-186:19	Sustained	Sustained	Sustained
193:17-194:16	Overruled*	Overruled	Overruled
201:12-203:9	Overruled*	Overruled	Overruled
204:11-205:6	Overruled*	Overruled	Overruled
205:21-206:15	Overruled	Overruled	Overruled
207:5-207:24	Overruled	Overruled	Overruled
215:20-217:1	Sustained	Sustained	Sustained
219:17-220:6	Sustained	Sustained	Sustained
228:3-228:13	Overruled	Overruled	Overruled
228:24-230:5	Sustained re 230:2-5	Sustained re 230:2-5	Sustained re 230:2-5
231:13-231:21	Sustained	Sustained	Sustained
Exhibit 28	Sustained to extent that Aris discussion should be redacted.	Sustained to extent that Aris discussion should be redacted.	Sustained to extent that Aris discussion should be redacted.
232:13-232:14	Overruled	Overruled	Overruled
234:8-236:13	Sustained	Sustained	Sustained
243:12-243:19	Overruled*	Sustained	Overruled*

Beauchamp Page/Line	Taylor	Sanborn	Mack
244:7-247:15	Overruled*	Sustained	Overruled*
297:23-298:5	Overruled*	Sustained	Overruled*
298:24-300:4	Overruled*	Sustained	Overruled*
301:10-301:24	Overruled*	Sustained	Overruled*
303:7-303:10	Sustained	Sustained	Sustained
303:19-304:13	Overruled*	Sustained	Overruled*
308:9-308:18	Overruled	Overruled	Overruled
315:15-317:16	Sustained as to 316:3-8*	Sustained	Sustained as to 316:3-8*
317:21-319:10	Overruled*	Sustained	Overruled*
319:19-320:19	Overruled*	Sustained	Overruled*
324:21-325:6	Sustained	Sustained	Sustained
Exhibit 42	Sustained to extent that ObTape withdrawal discussion should be redacted.	Sustained to extent that ObTape withdrawal discussion should be redacted.	Sustained to extent that ObTape withdrawal discussion should be redacted.
325:24-327:17	Sustained as to 326:18-21*	Sustained	Sustained as to 326:18-21*
329:3-330:23	Overruled*	Sustained	Overruled*
331:6-332:3	Overruled*	Overruled	Overruled
333:11-336:9	Sustained as to 333:19-336:9*	Sustained as to 333:19-336:9	Sustained as to 333:19-336:9

B. Delia Cook - Jan. 21, 2010

Cook Page/Line	Taylor	Sanborn	Mack
17:5-17:17	Sustained as to 17:15-17	Sustained as to 17:15-17	Sustained as to 17:15-17
23:3-23:8	Overruled	Overruled	Overruled
39:13-39:25	Overruled	Overruled	Overruled
40:17-40:19	Overruled	Overruled	Overruled
41:12-41:21	Overruled	Overruled	Overruled
99:9-100:5	Overruled	Overruled	Overruled
101:14-101:25	Overruled	Overruled	Overruled
104:11-104:16	Overruled	Overruled	Overruled
105:2-105:9	Overruled	Overruled	Overruled
109:9-109:21	Overruled	Overruled	Overruled
110:11-110:16	Overruled	Overruled	Overruled
115:20-116:5	Overruled	Overruled	Overruled
129:3-129:11	Overruled	Overruled	Overruled

Cook Page/Line	Taylor	Sanborn	Mack
131:7-133:2	Sustained as to 131:10 ("I want") to 131:16	Sustained as to 131:10 ("I want") to 131:16	Sustained as to 131:10 ("I want") to 131:16
137:18-138:9	Sustained	Sustained	Sustained
152:11-153:22	Overruled*	N/A	N/A
156:22-157:8	Sustained as to 156:5 ("By the time") to 156:8*	Sustained as to 156:5 ("By the time") to 156:8	Sustained as to 156:5 ("By the time") to 156:8
162:7-163:3	Overruled	Overruled	Overruled
173:2-175:7	Overruled*	Overruled	Overruled
176:12-176:16	Overruled*	Overruled	Overruled
184:6-184:21	Overruled*	Overruled	Overruled
185:11-186:17	Overruled*	Overruled	Overruled
195:2-195:15	Overruled*	Overruled	Overruled
196:11-198:23	Overruled*	Overruled	Overruled
200:1-200:9	Overruled*	Overruled	Overruled
201:4-202:4	Overruled*	Overruled	Overruled
202:17-203:5	Overruled*	Overruled	Overruled
206:7-206:22	Overruled*	Overruled	Overruled
207:12-207:20	Overruled	Overruled	Overruled
219:6-219:21	Overruled	Overruled	Overruled
221:12-221:21	Overruled	Overruled	Overruled
229:5-229:14	Overruled*	Sustained	Overruled*
230:12-230:18	Overruled*	Sustained	Overruled*
242:9-242:20	Sustained	Sustained	Sustained
243:2-243:7	Sustained	Sustained	Sustained
269:2-271:15	Sustained	Sustained	Sustained

C. Emily Daley - Aug. 11, 2009

Daley 2009 Page/Line	Taylor	Sanborn	Mack
12:1-12:8	Overruled	Overruled	Overruled
12:19-13:5	Overruled	Overruled	Overruled
13:19-14:2	Overruled	Overruled	Overruled
14:4-14:11	Overruled	Overruled	Overruled
17:10-17:21	Overruled	Overruled	Overruled
27:1-27:3	Overruled	Overruled	Overruled
Exhibit 3	Sustained	Sustained	Sustained
34:22-35:5	Sustained	Sustained	Sustained
36:10-36:20	Sustained	Sustained	Sustained
37:21-38:1	Overruled	Overruled	Overruled

Daley 2009 Page/Line	Taylor	Sanborn	Mack
42:19-43:5	Overruled	Overruled	Overruled
43:13-43:22	Overruled	Overruled	Overruled
44:3-44:14	Overruled	Overruled	Overruled
45:9-45:13	Sustained	Sustained	Sustained
46:10-46:20	Overruled	Overruled	Overruled
46:22-47:1	Overruled	Overruled	Overruled
49:16-49:25	N/A	Overruled	Overruled
58:3-59:16	Overruled	Overruled	Overruled
59:12-59:25	Overruled	Overruled	Overruled
63:21-64:13	Overruled	Overruled	Overruled
101:2-101:10	Overruled	Overruled	Overruled
101:14-101:17	Overruled	Overruled	Overruled
108:2-108:22	Overruled	Overruled	Overruled
108:23-109:6	Overruled	Overruled	Overruled
122:17-122:18	Overruled	N/A	N/A
123:4-123:4	Overruled	N/A	N/A
147:11-147:11	Overruled	Overruled	Overruled
153:17-155:5	Overruled	Overruled	Overruled
155:20-155:22	Overruled	Overruled	Overruled
156:18-157:15	Overruled	Overruled	Overruled
158:11-159:6	Overruled	Overruled	Overruled
159:11-159:22	Overruled	Overruled	Overruled
164:5-165:5	Overruled*	Overruled	Overruled
166:4-167:23	Overruled	N/A	N/A
245:6-245:12	N/A	Overruled	Overruled
246:20-247:9	Overruled	Overruled	Overruled
248:4-248:11	Sustained	Sustained	Sustained
252:15-252:21	Sustained	Sustained	Sustained
253:3-253:11	Sustained	Sustained	Sustained
254:11-254:16	Overruled	Overruled	Overruled
254:21-255:6	Overruled	Overruled	Overruled
267:8-268:3	Sustained	Sustained	Sustained
269:11-269:17	Sustained	Sustained	Sustained
271:10-271:14	Sustained	Sustained	Sustained
274:2-274:11	Sustained	Sustained	Sustained
275:5-275:5	Sustained	Sustained	Sustained
275:11-277:9	Sustained	Sustained	Sustained
278:25-279:7	Sustained	Sustained	Sustained
287:4-288:5	Sustained	Sustained	Sustained
292:2-292:6	Sustained	Sustained	Sustained
293:5-293:6	Sustained	Sustained	Sustained
293:13-293:13	Overruled	Overruled	Overruled
294:14-294:23	Overruled	Overruled	Overruled

Daley 2009 Page/Line	Taylor	Sanborn	Mack
310:24-311:2	Sustained	Sustained	Sustained

D. Emily Daley - Feb. 25, 2010

Daley 2010 Page/Line	Taylor	Sanborn	Mack
21:14-21:23	Overruled	Overruled	Overruled
22:2-22:13	Overruled	Overruled	Overruled
23:18-24:1	Overruled	Overruled	Overruled
24:14-24:20	Overruled	Overruled	Overruled
29:25-31:1	Overruled	Overruled	Overruled
32:3-32:16	Overruled	Overruled	Overruled
41:3-41:19	Overruled	Overruled	Overruled
41:19-42:25	Overruled	Overruled	Overruled
45:9-45:19	Overruled	Overruled	Overruled
49:23-51:14	Sustained as to 49:24-25 "for four years"	Sustained as to 49:24-25 "for four years"	Sustained as to 49:24-25 "for four years"
51:15-51:20	Overruled	Overruled	Overruled
53:1-53:7	Overruled	Overruled	Overruled
56:4-56:8	Sustained as to 56:4-5 "during the entire time that it was selling ObTape"	Sustained as to 56:4-5 "during the entire time that it was selling ObTape"	Sustained as to 56:4-5 "during the entire time that it was selling ObTape"
56:9-56:19	Overruled	Overruled	Overruled
56:21-57:8	Overruled	Overruled	Overruled
58:19-58:25	Overruled	Overruled	Overruled
59:16-60:1	Overruled	Overruled	Overruled
60:24-61:14	Overruled	Overruled	Overruled
62:22-62:24	Overruled	Overruled	Overruled
65:19-65:24	Overruled	Overruled	Overruled
66:9-66:18	Overruled	Overruled	Overruled
66:20-67:6	Overruled	Overruled	Overruled
67:7-67:13	Overruled	Overruled	Overruled
68:9-68:18	Overruled	Overruled	Overruled
68:22-69:4	Overruled	Overruled	Overruled
70:15-71:4	Overruled	Overruled	Overruled
71:6-71:11	Overruled	Overruled	Overruled
71:23-72:6	Overruled	Overruled	Overruled

Daley 2010 Page/Line	Taylor	Sanborn	Mack
72:7-72:9	Sustained as to 72:7-8 "the entire time they were selling the product"	Sustained as to 72:7-8 "the entire time they were selling the product"	Sustained as to 72:7-8 "the entire time they were selling the product"
78:23-79:17	Sustained as to 78:25:79:1 "during the years it was selling the product"	Sustained as to 78:25:79:1 "during the years it was selling the product"	Sustained as to 78:25:79:1 "during the years it was selling the product"
81:8-81:18	Overruled	Overruled	Overruled
83:7-83:13	Overruled	Overruled	Overruled
83:20-83:22	Overruled	Overruled	Overruled
84:11-84:17	Overruled	Overruled	Overruled
84:19-84:24	Overruled	Overruled	Overruled
94:12-94:24	Overruled	Overruled	Overruled
96:3-96:8	Overruled	Overruled	Overruled
96:15-97:1	Overruled	Overruled	Overruled
101:23-102:4	Overruled	Overruled	Overruled
102:22-103:1	Overruled	Overruled	Overruled
108:14-108:20	Overruled	Overruled	Overruled
111:17-111:24	Overruled	Overruled	Overruled

Daley 2010 Page/Line	Taylor	Sanborn	Mack
114:20-117:18	Sustained as to 114:20-21 "And during the years that ObTape was being sold by Mentor;" 115:1-2 "During the entire time that ObTape was on the market"; 115:17-18 "And during the years that Mentor was selling ObTape"; 116:7-8 "during the many years it was selling ObTape"; 117:1-2 "During the years that Mentor was selling ObTape"	Sustained as to 114:20-21 "And during the years that ObTape was being sold by Mentor;" 115:1-2 "During the entire time that ObTape was on the market"; 115:17-18 "And during the years that Mentor was selling ObTape"; 116:7-8 "during the many years it was selling ObTape"; 117:1-2 "During the years that Mentor was selling ObTape"	Sustained as to 114:20-21 "And during the years that ObTape was being sold by Mentor;" 115:1-2 "During the entire time that ObTape was on the market"; 115:17-18 "And during the years that Mentor was selling ObTape"; 116:7-8 "during the many years it was selling ObTape"; 117:1-2 "During the years that Mentor was selling ObTape"
120:8-120:14	Sustained as to 120:8-9 "during the years it was selling ObTape"	Sustained as to 120:8-9 "during the years it was selling ObTape"	Sustained as to 120:8-9 "during the years it was selling ObTape"
123:17-123:25	Overruled	Overruled	Overruled
124:2-125:7	Overruled	Overruled	Overruled
126:6-126:10	Sustained	Sustained	Sustained
136:6-136:15	Overruled	Overruled	Overruled
137:1-137:9	Overruled	Overruled	Overruled
137:22-138:9	Overruled	Overruled	Overruled
138:11-138:22	Overruled	Overruled	Overruled
139:6-139:22	Overruled	Overruled	Overruled
139:24-140:17	Overruled	Overruled	Overruled
141:8-141:22	Overruled	Overruled	Overruled
141:24-142:11	Overruled	Overruled	Overruled
143:2-143:17	Overruled	Overruled	Overruled
144:3-144:11	Overruled	Overruled	Overruled
144:13-145:4	Overruled	Overruled	Overruled

Daley 2010 Page/Line	Taylor	Sanborn	Mack
145:14-146:5	Overruled	Overruled	Overruled
152:15-152:22	Sustained as to 115:15-16 "And during the years Mentor is selling ObTape"	Sustained as to 115:15-16 "And during the years Mentor is selling ObTape"	Sustained as to 115:15-16 "And during the years Mentor is selling ObTape"
160:3-160:8	Overruled	Overruled	Overruled
160:21-160:25	Overruled	Overruled	Overruled
161:18-162:19	Overruled	Overruled	Overruled
163:24-164:2	Overruled	Overruled	Overruled
165:9-166:2	Overruled	Overruled	Overruled
166:11-167:24	Overruled	Overruled	Overruled
168:3-168:19	Overruled	Overruled	Overruled
170:16-170:21	Overruled	Overruled	Overruled
176:20-176:24	Overruled	Overruled	Overruled
178:1-178:7	Overruled	Overruled	Overruled
178:9-179:8	Overruled	Overruled	Overruled
179:10-179:22	Overruled	Overruled	Overruled
179:24-180:9	Overruled	Overruled	Overruled
180:14-180:21	Overruled	Overruled	Overruled
180:23-181:5	Overruled	Overruled	Overruled
181:21-182:4	Overruled	Overruled	Overruled
182:6-183:1	Overruled	Overruled	Overruled
185:21-185:24	Sustained as to 185:21 "While selling ObTape"	Sustained as to 185:21 "While selling ObTape"	Sustained as to 185:21 "While selling ObTape"
187:14-187:21	Overruled	Overruled	Overruled
187:23-188:25	Overruled	Overruled	Overruled
191:4-191:9	Overruled	Overruled	Overruled
191:16-192:22	Overruled	Overruled	Overruled
193:1-193:10	Overruled	Overruled	Overruled
193:12-195:1	Overruled	Overruled	Overruled
195:5-195:12	Overruled	Overruled	Overruled
195:13-196:18	Sustained as to 195:13 "while Mentor was selling ObTape"	Sustained as to 195:13 "while Mentor was selling ObTape"	Sustained as to 195:13 "while Mentor was selling ObTape"
197:21-198:18	Overruled	Overruled	Overruled
199:21-200:5	Overruled	Overruled	Overruled
200:7-200:16	Overruled	Overruled	Overruled
200:24-201:9	Overruled	Overruled	Overruled
204:14-205:15	Overruled	Overruled	Overruled
205:20-207:4	Overruled	Overruled	Overruled
209:2-209:12	Overruled	Overruled	Overruled

Daley 2010 Page/Line	Taylor	Sanborn	Mack
209:14-209:21	Overruled	Overruled	Overruled
210:7-210:9	Sustained as to 210:7-8 "and the whole time it sold the product"	Sustained as to 210:7-8 "and the whole time it sold the product"	Sustained as to 210:7-8 "and the whole time it sold the product"
210:10-210:15	Overruled	Overruled	Overruled
210:23-211:17	Overruled	Overruled	Overruled
212:19-213:13	Overruled	Overruled	Overruled
214:19-214:25	Overruled	Overruled	Overruled
215:2-215:8	Overruled	Overruled	Overruled
218:20-219:3	Overruled	Overruled	Overruled
219:5-219:19	Overruled	Overruled	Overruled
220:11-220:21	Overruled	Overruled	Overruled
222:8-222:24	Overruled	Overruled	Overruled
225:23-226:10	Overruled	Overruled	Overruled
227:2-227:20	Overruled	Overruled	Overruled
228:24-228:25	Overruled	Overruled	Overruled
229:16-230:7	Sustained as to 229:16 "From 2002 to 2006"	Sustained as to 229:16 "From 2002 to 2006"	Sustained as to 229:16 "From 2002 to 2006"
230:23-231:5	Overruled	Overruled	Overruled
232:7-232:17	Overruled	Overruled	Overruled
Exhibit 10	Sustained to the extent that the following should be redacted: "in the 510(k) that the FDA may request further information on" on page 1 and "(from the Sabre)" on page 2	Sustained to the extent that the following should be redacted: "in the 510(k) that the FDA may request further information on" on page 1 and "(from the Sabre)" on page 2	Sustained to the extent that the following should be redacted: "in the 510(k) that the FDA may request further information on" on page 1 and "(from the Sabre)" on page 2
234:2-234:6	Overruled	Overruled	Overruled
234:15-234:16	Overruled	Overruled	Overruled
235:17-236:18	Sustained as to 236:5-6 "in the 510(k) that the FDA may request further information on"	Sustained as to 236:5-6 "in the 510(k) that the FDA may request further information on"	Sustained as to 236:5-6 "in the 510(k) that the FDA may request further information on"

Daley 2010 Page/Line	Taylor	Sanborn	Mack
242:16-243:4	Overruled	Overruled	Overruled
243:9-244:9	Overruled	Overruled	Overruled
245:14-246:7	Overruled	Overruled	Overruled
246:25-247:10	Overruled	Overruled	Overruled
247:22-248:11	Overruled	Overruled	Overruled
248:24-250:5	Overruled	Overruled	Overruled
250:9-250:25	Overruled	Overruled	Overruled
254:12-256:5	Overruled	Overruled	Overruled
258:6-259:16	Overruled	Overruled	Overruled
261:10-261:18	Overruled	Overruled	Overruled
262:6-262:14	Overruled	Overruled	Overruled
263:12-263:19	Overruled	Overruled	Overruled
265:13-267:5	Overruled	Overruled	Overruled
267:7-267:16	Sustained as to 267:7 "When Mentor was selling ObTape" and 267:11-13 "When Mentor was selling the ObTape material -- excuse me, the ObTape product"	Sustained as to 267:7 "When Mentor was selling ObTape" and 267:11-13 "When Mentor was selling the ObTape material -- excuse me, the ObTape product"	Sustained as to 267:7 "When Mentor was selling ObTape" and 267:11-13 "When Mentor was selling the ObTape material -- excuse me, the ObTape product"
268:7-268:11	Sustained as to 268:7 "When Mentor was selling ObTape"	Sustained as to 268:7 "When Mentor was selling ObTape"	Sustained as to 268:7 "When Mentor was selling ObTape"
269:18-269:25	Overruled	Overruled	Overruled
273:4-273:9	Overruled	Overruled	Overruled
274:11-275:4	Overruled	Overruled	Overruled
275:9-275:15	Overruled	Overruled	Overruled
294:4-294:25	Overruled	Overruled	Overruled
295:16-295:25	Overruled	Overruled	Overruled
296:2-296:6	Overruled	Overruled	Overruled
297:15-297:22	Overruled	Overruled	Overruled
301:24-302:6	Overruled	Overruled	Overruled
302:7-302:10	Sustained as to 302:7-8 "while Mentor was selling ObTape"	Sustained as to 302:7-8 "while Mentor was selling ObTape"	Sustained as to 302:7-8 "while Mentor was selling ObTape"
304:14-305:6	Overruled	Overruled	Overruled
305:17-306:2	Overruled	Overruled	Overruled

Daley 2010 Page/Line	Taylor	Sanborn	Mack
313:7-313:14	Sustained as to 313:9-10 "while Mentor was selling the product"	Sustained as to 313:9-10 "while Mentor was selling the product"	Sustained as to 313:9-10 "while Mentor was selling the product"
313:18-314:3	Overruled	Overruled	Overruled
314:19-316:10	Overruled	Overruled	Overruled
318:13-319:1	Overruled	Overruled	Overruled
319:7-320:11	Overruled	Overruled	Overruled
320:10-321:8	Overruled	Overruled	Overruled
321:12-323:6	Overruled	Overruled	Overruled
324:6-326:22	Overruled	Overruled	Overruled
Exhibit 18	Sustained	Sustained	Sustained
326:23-329:22	Sustained	Sustained	Sustained
329:25-333:23	Sustained	Sustained	Sustained
334:13-334:17	Overruled	Overruled	Overruled
335:24-337:3	Overruled	Overruled	Overruled
337:4-337:12	Sustained as to 337:4-5 "while it was selling ObTape"	Sustained as to 337:4-5 "while it was selling ObTape"	Sustained as to 337:4-5 "while it was selling ObTape"
337:13-337:17	Overruled	Overruled	Overruled
355:1-355:11	Overruled	Overruled	Overruled

E. Adel Michael, Apr. 16, 2009

Michael Page/Line	Taylor	Sanborn	Mack
36:10-36:21	Overruled	Overruled	Overruled
37:20-38:11	Sustained as to 38:9-10 "is highly regulated by the FDA and all the foreign governing bodies"	Sustained as to 38:9-10 "is highly regulated by the FDA and all the foreign governing bodies"	Sustained as to 38:9-10 "is highly regulated by the FDA and all the foreign governing bodies"
39:8-39:16	Sustained as to 39:14-15 "and they have complied with all the regulatory requirements"	Sustained as to 39:14-15 "and they have complied with all the regulatory requirements"	Sustained as to 39:14-15 "and they have complied with all the regulatory requirements"

Michael Page/Line	Taylor	Sanborn	Mack
51:13-51:20	Overruled	Overruled	Overruled
79:5-79:8	Overruled	Overruled	Overruled
97:20-97:25	Overruled	Overruled	Overruled
100:1-100:12	Overruled	N/A	N/A

F. Catherine Ortuno - Oct. 19, 2009

Ortuno Page/Line	Taylor	Sanborn	Mack
29:1-29:14	Sustained as to 29:4-5 "and then the move from ObTape to Aris"	Sustained as to 29:4-5 "and then the move from ObTape to Aris"	Sustained as to 29:4-5 "and then the move from ObTape to Aris"
29:18-30:18	Sustained	Sustained	Sustained
54:14-55:15	Sustained	Sustained	Sustained
143:16-143:22	Sustained as to 143:16-18	Sustained as to 143:16-18	Sustained as to 143:16-18
145:9-145:19	Sustained	Sustained	Sustained
160:17-161:19	Overruled	Overruled	Overruled
166:9-166:17	Overruled	Overruled	Overruled
200:24-201:2	Overruled*	Sustained	Overruled*
202:13-203:8	Overruled*	Sustained	Overruled*
207:16-207:20	Sustained	Sustained	Sustained
214:8-214:18	Overruled	Overruled	Overruled
216:20-218:5	Overruled	Overruled	Overruled
222:21-223:17	Overruled	Overruled	Overruled
225:4-225:13	Overruled	Overruled	Overruled
230:3-231:17	Overruled*	Sustained	Overruled*
233:1-233:25	Overruled	Overruled	Overruled
236:5-236:25	Overruled*	Sustained	Overruled*
237:6-237:9	Overruled*	Sustained	Overruled*
239:12-239:22	Overruled	Overruled	Overruled
240:1-241:1	Overruled	Overruled	Overruled
246:25-247:18	Overruled*	Sustained	Overruled*
250:5-250:23	Overruled*	Sustained	Overruled*
253:7-253:23	Overruled	Overruled	Overruled
258:6-258:14	Overruled*	Sustained	Overruled*
262:25-265:9	Overruled*	Sustained	Overruled*
265:19-266:3	Sustained as to 266:1-3 starting at "And we were"	Sustained as to 266:1-3 starting at "And we were"	Sustained as to 266:1-3 starting at "And we were"
269:6-269:9	Overruled	Overruled	Overruled

269:12-272:4	Overruled	Overruled	Overruled
272:21-273:4	Overruled*	Sustained	Overruled*
280:16-281:7	Overruled	Overruled	Overruled
281:16-282:3	Overruled*	Overruled	Overruled
294:9-296:8	Overruled*	Sustained	Overruled*
297:12-298:5	Sustained	Sustained	Sustained
300:6-300:6	Sustained	Sustained	Sustained
305:2-305:12	Overruled	Overruled	Overruled
313:4-314:3	Overruled	Overruled	Overruled
323:11-324:2	Overruled	Overruled	Overruled
327:19-328:3	Overruled	Overruled	Overruled
328:21-329:2	Overruled*	Overruled	Overruled
329:18-331:9	Overruled	Overruled	Overruled
Exhibit 18	The parties did not point the Court to a copy of Exhibit 18 (or any other exhibit to Dr. Ortuno's deposition). Based on context, the Court believes it is the 11/2004 email between Mentor employees regarding TOT in France; Mentor's objections to the 11/2004 email are overruled.		
332:6-333:19	Overruled	Overruled	Overruled
334:10-334:20	Overruled	Overruled	Overruled
335:1-335:4	Overruled	Overruled	Overruled

G. Ray Tantilillo - Sept. 30, 2009

Tantilillo Page/Line	Taylor	Sanborn	Mack
14:19-14:20	Overruled	Overruled	Overruled
18:11-19:11	Sustained	Sustained	Sustained
21:4-22:15	Sustained	Sustained	Sustained
26:3-26:21	Sustained	Sustained	Sustained
35:4-35:18	Overruled	Overruled	Overruled
35:4-36:6	Overruled	Overruled	Overruled
46:16-47:1	Sustained	Sustained	Sustained
53:4-54:11	Overruled	Overruled	Overruled
54:18-55:5	Overruled	Overruled	Overruled
56:18-57:5	Sustained as to 56:20 "you won't be selling Sabre" and 57:2-5	Sustained as to 56:20 "you won't be selling Sabre" and 57:2-5	Sustained as to 56:20 "you won't be selling Sabre" and 57:2-5
56:18-59:12	Sustained as to 56:20 "you won't be selling Sabre" and 57:2-5	Sustained as to 56:20 "you won't be selling Sabre" and 57:2-5	Sustained as to 56:20 "you won't be selling Sabre" and 57:2-5

Tantillo Page/Line	Taylor	Sanborn	Mack
58:20-58:23	Sustained	Sustained	Sustained
60:1-60:10	Overruled	Overruled	Overruled
64:9-65:8	Sustained as to 65:5-8	Sustained as to 65:5-8	Sustained as to 65:5-8
69:9-70:10	Sustained	Sustained	Sustained
76:21-77:1	Overruled	Overruled	Overruled
77:12-77:16	Overruled	Overruled	Overruled
94:17-95:7	Overruled	Overruled	Overruled
95:2-95:7	Overruled	Overruled	Overruled
96:5-98:13	Overruled	Overruled	Overruled
98:14-100:12	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
119:19-119:24	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
120:15-122:14	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
123:5-126:2	Overruled	Overruled	Overruled
133:12-134:15	Overruled	Overruled	Overruled
134:12-134:15	Overruled	N/A	N/A
135:8-135:12	Overruled	N/A	N/A
135:17-137:2	Overruled	Overruled	Overruled
140:5-141:9	Overruled	Overruled	Overruled
Exhibit 11	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
142:3-142:5	Overruled	Overruled	Overruled
142:15-142:21	Overruled	Overruled	Overruled

Tantillo Page/Line	Taylor	Sanborn	Mack
144:1-144:12	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
144:20-147:9	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
Exhibit 12	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
149:24-153:11	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
156:1-156:12	Overruled	Overruled	Overruled
156:17-157:11	Overruled	Overruled	Overruled
157:24-158:9	Overruled	Overruled	Overruled
160:2-164:2	Overruled	N/A	N/A
160:23-162:9	Overruled	Overruled	Overruled
162:10-162:18	Overruled	Overruled	Overruled
162:19-164:2	Overruled	Overruled	Overruled
Exhibit 14	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
165:22-166:4	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
166:18-168:23	Overruled	Overruled	Overruled
174:24-175:4	Sustained	Sustained	Sustained

Tantillo Page/Line	Taylor	Sanborn	Mack
176:6-176:13	Overruled	Overruled	overruled
176:14-177:2	Overruled	N/A	N/A
178:12-178:19	Overruled	N/A	N/A
188:15-188:21	Overruled	Overruled	Overruled
190:2-190:5	Sustained	Sustained	Sustained
190:14-191:7	Overruled	N/A	N/A
191:17-191:24	Overruled	Overruled	Overruled
193:4-193:9	Overruled	Overruled	Overruled
193:10-194:23	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
194:24-195:9	Overruled	Overruled	Overruled
195:10-200:21	Overruled	Overruled	Overruled
202:18-204:7	Overruled	Overruled	Overruled
206:15-206:23	Overruled	Overruled	Overruled
206:24-208:4	Overruled*	Overruled	Overruled
208:5-208:14	Overruled	Overruled	Overruled
208:18-208:20	Overruled	Overruled	Overruled
209:9-209:14	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
210:9-211:7	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
211:17-212:6	Overruled	Overruled	Overruled
212:13-212:16	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.

Tantillo Page/Line	Taylor	Sanborn	Mack
213:6-213:8	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
213:14-213:23	Overruled	N/A	N/A
214:6-214:9	Overruled	N/A	N/A
214:12-216:10	Overruled*	Sustained as to 215:10-15	Overruled*
216:11-216:13	Overruled	N/A	N/A
217:5-219:22	Overruled	Overruled	Overruled
220:10-220:24	Overruled	Overruled	Overruled
221:12-221:17	Overruled	Overruled	Overruled
221:20-222:1	Overruled	N/A	N/A
222:10-224:1	Overruled	Overruled	Overruled
224:2-224:14	Overruled	N/A	N/A
224:18-226:6	Overruled	Overruled	Overruled
Exhibit 24	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
231:13-234:14	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
234:15-235:7	Overruled	N/A	N/A
235:16-237:3	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
236:22-237:3	Overruled	Overruled	Overruled
237:23-240:7	Sustained as to 237:23-238:2, 239:14-15 "and then I know for a fact with Aris there was"	Sustained as to 237:23-238:2, 239:14-15 "and then I know for a fact with Aris there was"	Sustained as to 237:23-238:2, 239:14-15 "and then I know for a fact with Aris there was"

Tantillo Page/Line	Taylor	Sanborn	Mack
Exhibit 27	Sustained as to reference to new product ("We need the new product ASAP in order to grow this business for FY06.")	Sustained as to reference to new product ("We need the new product ASAP in order to grow this business for FY06.")	Sustained as to reference to new product ("We need the new product ASAP in order to grow this business for FY06.")
242:15-243:13	Sustained as to 242:13-14 ("We need..."	Sustained as to 242:13-14 ("We need..."	Sustained as to 242:13-14 ("We need..."
245:5-245:19	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.	Sustained to the extent that healthcare provider info should be redacted.
246:3-246:5	Sustained	Sustained	Sustained
249:2-251:5	Overruled	Overruled	Overruled
251:21-252:9	Overruled	N/A	N/A
253:2-253:23	Overruled	Overruled	Overruled
253:24-255:12	Overruled	Overruled	Overruled
255:21-256:18	Overruled	Overruled	Overruled
257:8-257:24	Overruled	Overruled	Overruled
258:1-261:5	Overruled	Overruled	Overruled
298:9-299:8	Overruled	Overruled	Overruled
338:4-340:19	Overruled	Overruled	Overruled
412:23-413:21	Overruled	Overruled	Overruled
423:16-423:23	Overruled	Overruled	Overruled
430:13-430:24	Sustained	Sustained	Sustained
431:8-432:4	Overruled*	Sustained	Overruled*
432:5-432:22	Overruled	Overruled	Overruled

H. Kathleen Kobashi - Mar. 12, 2015 (in Taylor only)

The testimony Taylor designated from Dr. Kobashi's deposition discusses exhibits. The parties did not submit the exhibits with Dr. Kobashi's deposition transcript, and the Court cannot locate the exhibits in the present record. Without the exhibits, the Court cannot determine whether Dr. Kobashi's

testimony regarding the exhibits is admissible. If Taylor wishes to use Dr. Kobashi's deposition at trial, she shall submit a copy of the exhibits and shall respond to Mentor's objections by noon on Wednesday, February 3.

I. Teresa Taylor - Nov. 13, 2014 (in Taylor only)

Taylor's counsel represented that Taylor will be present at trial. Pretrial Order ¶ 18(a), ECF No. 87 in 4:12-cv-176. It is thus unclear why Taylor's counsel designated her deposition testimony to be played at trial. Taylor did not explain why she may offer her own deposition testimony at trial under Federal Rule of Civil Procedure 32 if she is available to testify. Unless Taylor establishes that she is unavailable under Rule 32(a)(4) or that her use of the deposition at trial is permissible under Rule 32 for some other reason, Taylor shall not be permitted to offer the deposition at trial.

Even if Taylor may use her deposition at trial under Rule 32, her present designations are insufficient. Most of the designations are incomplete snippets of Taylor's testimony that, if presented to the jury as designated, would make little to no sense. The Court thus sustains all of Mentor's objections based on incompleteness. Though the Court initially tried to determine which additional portions of the deposition questions and testimony should be included so that the designations would make sense, the Court soon concluded that such an exercise would

be a waste of its time. If Taylor believes that she may offer the deposition under Rule 32, then she shall submit revised designations that address the incompleteness concerns. The revised designations are due by noon on Wednesday, February 3. Mentor may respond by 5:00 PM on Thursday, February 4.

J. Jonathan Vukovich - Jan. 22, 2015 (in Taylor only)

12:20-12:21 - Overruled

13:9-13:17 - Overruled

Exhibit 8 - Overruled* NOTE: the parties did not submit the exhibits to Dr. Vukovich's deposition, so the Court cannot review Exhibit 8. Based on the testimony, the Court presumes that it is a published 2005 article by Dr. Andrew Siegel.

54:8-54:11 - Overruled*

54:12-56:7 - Overruled*

Exhibit 9 - Overruled NOTE: the parties did not submit the exhibits to Dr. Vukovich's deposition, so the Court cannot review Exhibit 9. Based on the testimony, the Court presumes that it is a 2003 letter to Dr. Vukovich from Mentor regarding ObTape.

57:2-58:16 - Overruled

Exhibit 10 - Sustained NOTE: the parties did not submit the exhibits to Dr. Vukovich's deposition, and the Court cannot tell what Exhibit 10 is from the testimony and thus cannot determine whether it is admissible.

62:5-62:24 - Overruled

63:1-63:5 - Overruled

65:13-66:5 - Overruled*

68:1-68:13 - Overruled

70:14-70:23 - Overruled*

71:14-71:21 - Overruled

71:22-73:1 - Overruled

73:14-73:18 - Overruled

73:21-74:4 - Overruled

K. Robert Rosen (in Sanborn only)

87:9-87:11 - Overruled

89:16-89:25 - Overruled

90:16-90:22 - Overruled

L. Ralph Nishitani (in Mack only)

116:22-117:10 - Overruled
120:16-121:3 - Sustained
121:4-121:9 - Sustained
121:10-121:17 - Overruled*
121:18-121:24 - Overruled*
122:7-123:25 - Overruled
124:1-125:5 - Overruled*
125:6-125:21 - Overruled*
126:9-127:11 - Overruled*
127:12-127:17 - Overruled*
127:18-129:2 - Overruled*
129:3-129:18 - Overruled*
136:12-137:1 - Overruled
138:4-138:10 - Overruled
140:16-142:10 - Overruled

II. Plaintiffs' Objections to Mentor's Deposition Designations

A. Dave Amerson - Feb. 10, 2010

321:2-329:17 - Sustained as to 323:21-24 and any other references to Lisa Reich's mother.

B. Kathleen Beauchamp - Mar. 12, 2010

30:12 - 30:18 - Sustained as to 30:15-16 through "...all of the labeling."
250:22 - 10 - Overruled
253:20 - 254:8 - Overruled
258:9 - 258:25 - Sustained
265:24 - 266:5 - Overruled

C. Emily Daley - Aug. 11, 2009

11:3 - 11:13 - Overruled
34:4 - 34:21 - Overruled
38:6 - 369 - Overruled
45:3 - 45:8 - Sustained
46:1 - 46:9 - Sustained

D. Emily Daley - Feb. 25, 2010

60:2 - 60:7 - Sustained as to 60:2-5 through "510(k)"
236:19 - 236:23 - Sustained

E. Catherine Ortuno - Oct. 19, 2009

184:23 - 185:9 - Overruled

F. Clarke Scherff - Feb. 17, 2010

18:3 - 19:3 - Sustained
144:21 - 145:4 - Sustained
296:20 - 297:2 - Sustained
297:7 - 307:9 - Sustained
307:17 - 308:22 - Sustained
310:5 - 312:2 - Sustained
312:9 - 313:15 - Sustained
314:19 - 316:19 - Sustained
316:22 - 320:17 - Sustained
330:22 - 332:14 - Sustained

G. Ray Tantillo - Sept. 30, 2009

294:6 - 294:16 - Sustained
383:2 - 385:23 - Overruled
442:19 - 443:2 - Overruled

IT IS SO ORDERED, this 2nd day of February, 2016.

s/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA